IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

United States of America,	)
	)
Plaintiff,	)
	)
v.	) Civil No. 06-3230-CV-S-DW
	)
$19,013.23 in U.S. Currency seized from	)
Account #1007951 in the name of "Estate of Kevin	)
Lee Madison, Lavern Madison, Personal Rep."	)
and **$30,000.00** in U.S. Currency seized from	)
Certificate of Deposit No. 35203 in the name of	)
"Estate of Kevin Lee Madison, Lavern Madison,	)
Personal Rep."	)
	)
Defendant.	)

ORDER GRANTING MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND ENTRY OF FINAL ORDER OF
FORFEITURE IN FAVOR OF THE UNITED STATES

A civil case against the defendant currency was filed in federal court on June 6, 2006,

because Claimant Wendi Madison filed an administrative claim with the Internal Revenue

Service. The Warrant and Summons for Arrest of Articles in Rem was issued by the Court on

July 14, 2006. Since that time, the Internal Revenue Service has achieved service of process on

potential claimant, Wendi Madison, and the estate, which is represented by Emory Melton and

Jason Coatney. Both Mr. Melton and Mr. Coatney were personally served with process. The

third potential claimant, Brandon Madison, has not been served with process. The United States

has attempted to personally serve Brandon Madison at his last known address by a certified

mailing containing the Complaint and Warrant and Summons for Arrest of Articles in Rem. This

packet was returned to the U.S. Attorney's Office marked "Moved–Left no Forwarding

Address."

The Department of Treasury published public notice of the case against the currency. The publication was accomplished in the *Cassville Democrat/Wheaton Journal* published in Cassville, Missouri. Notice of publication was filed with the Court on September 27, 2006, as required by Rule C(4) of the Supplemental Rules of Civil Procedure for Certain Admiralty and Maritime Claims. No third party claims were filed. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Both the estate and claimant Wendi Madison received personal notice of this action and opted not to file a response. Therefore, the estate and claimant Wendi Madison are in default, and a judgment of default will be entered against them.

Because all attempts have been made to achieve service upon Brandon Madison, and he has not filed a claim in either the administrative of judicial case, entry of default judgment against Mr. Madison is now appropriate. Due process requires the United States to provide notice "reasonably calculated, under all the circumstances" to inform interested parties of the litigation, and to give them an opportunity to be heard. United States v. Five Thousand Dollars in U.S. Currency, 184 F.3d 958, 960 (8th Cir. 1999), quoting Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313-14 (1950). The United States has done everything within its power to give Mr. Madison notice of the forfeiture proceedings. Due process has been satisfied, so entry of default judgment pursuant to Rule 55(b)(2), Fed.R.Civ.P., against Mr. Madison is appropriate. United States v. One Hundred Four Thousand Six Hundred Seventy-Four Dollars, 17 F.3d 267, 269 (8th Cir. 1994).

Entry of a Final Order of Forfeiture is appropriate at this time. It is therefore ORDERED that:

1) default judgment be entered against the Estate of Kevin Lee Madison, Claimant

Wendi Madison, and Claimant Brandon Madison; and

2) all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law; and

3) the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and

4) the Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Attention: Cynthia J. Hyde, Assistant U.S. Attorney, 901 St. Louis, Suite 500, Springfield, MO 65806-2511.

Date: November 21, 2006   /s/ DEAN WHIPPLE
                                           Dean Whipple
                                           United States District Court